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23 AUG 2006

JAGTIANI + GUTTAG
10363-A Democracy Lane
Fairfax, VA 22030

In re Application of: DEBRUYNE, Kristine, et al. :
U.S. Application No.: 10/536,714 :
PCT No.: PCT/AU2003/001584 :
International Filing Date: 28 November 2003 :
Priority Date: 29 November 2002 :
Attorney's Docket No.: COCH-0149-US1 :
For: COCHLEAR IMPLANT DRUG :
DELIVERY DEVICE :

DECISION ON RENEWED
PETITION UNDER
37 CFR 1.47(a)

In a decision mailed by this Office on 30 June 2006, applicants' petition under 37 CFR 1.47(a) was dismissed without prejudice for failing to satisfy all the requirements of a grantable petition. Specifically, applicants had not submitted an acceptable a declaration executed by the inventors on their own behalf and on behalf of the non-signing inventor (the materials submitted by applicants appeared to be a compilation of multiple declaration documents).

On 09 August 2006, applicants filed the renewed petition considered herein. The renewed petition includes the complete two-page declaration executed by the four signing inventors; these declarations each contain an unsigned signature block for the non-signing inventor. These materials satisfy the declaration requirement of a grantable petition.

Applicants have now satisfied all the requirements for a grantable petition under 37 CFR 1.47(a). Accordingly, the renewed petition under 37 CFR 1.47(a) is **GRANTED**. The application is accepted without the signature of inventor Kristine DEBRUYNE.

A notice of the acceptance of the application will be published in the Official Gazette, and a letter informing the non-signing inventor of the application will be forwarded to the non-signing inventor at her last-known address, as set forth in the petition.

The application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 09 August 2006.

Richard M. Ross
Attorney Advisor
Office Of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459



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Kristine DEBRUYNE
R. Dodoensstraat 72
2800 Mechelen
BELGIUM

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Dear Ms. DEBRUYNE:

You are identified as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Richard M. Ross
Attorney Advisor
Office Of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

Counsel Of Record:
JAGTIANI + GUTTAG
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